

SECOND REGULAR SESSION

[P E R F E C T E D]

# SENATE BILL NO. 1072

93RD GENERAL ASSEMBLY

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INTRODUCED BY SENATOR LOUDON.

Read 1st time February 16, 2006, and ordered printed.

Read 2nd time February 21, 2006, and referred to the Committee on Economic Development, Tourism and Local Government.

Reported from the Committee March 16, 2006, with recommendation that the bill do pass.

Taken up for Perfection April 18, 2006. Bill declared Perfected and Ordered Printed.

TERRY L. SPIELER, Secretary.

4483S.01P

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## AN ACT

To repeal sections 700.525, 700.527, 700.529, 700.530, 700.531, 700.533, 700.535, 700.537, 700.539, and 700.541, RSMo, relating to abandoned manufactured homes.

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*Be it enacted by the General Assembly of the State of Missouri, as follows:*

Section A. Sections 700.525, 700.527, 700.529, 700.530, 700.531, 700.533, 2 700.535, 700.537, 700.539, and 700.541, RSMo, are repealed, as follows:

2 [700.525. As used in sections 700.525 to 700.541, the following terms mean:

3 (1) "Abandoned", a physical absence from the property, and  
4 either:

5 (a) Failure by a renter of real property to pay any required  
6 rent for fifteen consecutive days, along with the discontinuation of  
7 utility service to the rented property for such period; or

8 (b) Indication of or notice of abandonment of real property  
9 rented from a landlord;

10 (2) "Manufactured home", a factory-built structure as  
11 defined in subdivision (5) or (7) of section 700.010.]

[700.527. 1. If a person abandons a manufactured home on  
2 any real property owned by another who is renting such real  
3 property to the owner of the manufactured home, and such  
4 abandonment is without the consent of the owner of the real

**EXPLANATION—Matter enclosed in bold-faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.**

5 property, the owner of the real property may seek possession of and  
6 title to the manufactured home in accordance with the provisions  
7 of sections 700.525 to 700.541 subject to the interest of any party  
8 with a security interest in the manufactured home.

9 2. The landlord seeking possession of the manufactured  
10 home shall submit a report to the director of revenue. Such report  
11 shall include the following:

12 (1) An application, which shall be upon a blank form  
13 furnished by the director of revenue and shall contain the full  
14 description of the manufactured home and the manufacturer's or  
15 other identifying number;

16 (2) An affidavit of the landlord seeking possession of the  
17 manufactured home, stating that the manufactured home is  
18 abandoned as defined by section 700.525 and applicable rule of the  
19 department, the duration of such abandonment, that the  
20 manufactured home is located upon real property owned by the  
21 landlord, and that the manufactured home is the subject of a valid  
22 rental agreement signed by the renter, along with the original, or  
23 a photostatic or conformed copy of the original contract for rental  
24 of real property; and

25 (3) Any other information that the director of revenue may  
26 require by rule.]

[700.529. Upon proof of all the foregoing in section 700.527  
2 by proper affidavit and upon compliance with the provisions of  
3 sections 700.525 to 700.541, the director of revenue shall, if  
4 requested, issue a new certificate of title to the landlord.]

[700.530. The provisions of sections 700.525 to 700.539  
2 shall not affect the right of a secured party to take possession of,  
3 and title to, a manufactured home pursuant to section 400.9-503,  
4 RSMo, section 700.386 or otherwise as allowed by contract or law.]

[700.531. The director of revenue shall notify the owner of  
2 record of the manufactured home and any holder of a security  
3 interest in the manufactured home of its status of abandonment,  
4 the name and business address of the landlord seeking possession  
5 of the manufactured home, and the right of the landlord to seek  
6 title to the manufactured home pursuant to sections 700.525 to

7 700.541 if such manufactured home remains abandoned or if the  
8 owner of record of the manufactured home and any holder of a  
9 security interest in the manufactured home does not respond to the  
10 notice. The notice shall be given within fifteen working days of the  
11 receipt of the application of the landlord pursuant to subsection 2  
12 of section 700.527.]

[700.533. The owner of such manufactured home or the  
2 holder of a valid security interest therein which is in default may  
3 claim title to it from the landlord seeking possession of the  
4 manufactured home upon proof of ownership or valid security  
5 interest which is in default and payment of all reasonable rents  
6 due and owing to the landlord.]

[700.535. If the manufactured home is titled in Missouri,  
2 the valid owner of the manufactured home or the holder of a valid  
3 security interest therein may voluntarily relinquish any claim to  
4 the manufactured home by affirmatively declaring such  
5 relinquishment or by failing to respond to the notice required by  
6 section 700.531 within thirty days of the mailing or delivery of such  
7 notice by the director of revenue.]

[700.537. The lienholder of an abandoned manufactured  
2 home may repossess an abandoned manufactured home by  
3 notifying by registered mail, postage prepaid, the owner if known,  
4 and any lienholders of record, at their last known addresses, that  
5 application for a certificate of title will be made unless the owner  
6 or lienholder of record makes satisfactory arrangements with the  
7 owner of real property upon which such abandoned manufactured  
8 home is situated within thirty days of the mailing of the  
9 notice. This notice shall be supplied by the use of a form designed  
10 and provided by the director of revenue.]

[700.539. 1. Within thirty days after the notification form  
2 required by section 700.537 has been mailed, and the owner or  
3 lienholder has made satisfactory arrangements with the owner of  
4 real property, the lienholder who sent notification pursuant to  
5 sections 700.525 to 700.541 may apply to the director of revenue for  
6 a certificate of title. The application shall be accompanied by:

7 (1) An affidavit of the lienholder that he is in compliance

8 with all requirements of sections 700.525 to 700.541;

9 (2) A copy of the receipt indicating that the owner or  
10 lienholder of record has received the notice required by sections  
11 700.525 to 700.541;

12 (3) A fee as required by the director of revenue by rule.

13 2. Upon proof of the foregoing by proper affidavit and upon  
14 compliance with all requirements of sections 700.525 to 700.541,  
15 the director of revenue shall, if requested, issue a new certificate  
16 of title to the lienholder in possession within fifteen working days  
17 after request.]

[700.541. The director of revenue may promulgate any rules  
2 necessary to effectuate the purposes of sections 700.525 to  
3 700.541. No rule or portion of a rule promulgated under the  
4 authority of sections 700.525 to 700.541 shall become effective  
5 unless it has been promulgated pursuant to the provisions of  
6 section 536.024, RSMo.]

Bill ✓

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